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January 13, 2022

Via Electronic Filing

Clerk, United States District Court
Martin Luther King Building
& U.S. Courthouse
50 Walnut Street, Room 4015
Newark, NJ 07101

Re: Estate of Mary Carswll v. Costco Wholesale Corp.
Docket No.: ESX-L-9563-21
Our File No.: COST-154

Dear Sir/Madam:

Enclosed please find Petition for Removal on behalf of Defendant, Costco Wholesale Corporation. Please file same. By copy of this letter, we are advising our adversary of this Petition.

Thank you for your courtesy in this regard.

Respectfully submitted,

LAWRENCE M. BERKELEY
A Member of the Firm

Enclosures.

cc: Clerk, Superior Court of New Jersey, Essex County (via electronic filing)
Benjamin M. Del Vento, Jr. (via electronic filing)

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Attorneys for Defendant, Costco Wholesale Corporation

Our File No.: COST-154

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ESTATE OF MARY CARSWELL

Plaintiff

vs.

**COSTCO WHOLESALE
CORPORATION, and JOHN DOE A to
Z, individually, jointly and/or severally**

Defendants

CIVIL ACTION NO.:

PETITION FOR REMOVAL

Petitioner, Costco Wholesale Corporation, by its attorneys, Weiner Law Group, LLP, respectfully petitions the United States District Court for the District of New Jersey as follows:

1. This case was commenced on December 14, 2021 in the Superior Court of New Jersey, Law Division, Essex County. Suit is identified in the Superior Court as Estate of Mary Carswell v. Costco Wholesale Corp., et al. Docket No. Docket No. ESX-L-9563-21. (See Exhibit A).

2. Costco Wholesale Corporation first received a copy of the Complaint on December 20, 2021, when Plaintiffs caused a copy to be served upon Costco's registered agent. (See Exhibit B).

3. The filing of this Petition for Removal is timely because it is filed within thirty days of the date Costco Wholesale Corporation first received notice of the lawsuit.

4. Plaintiffs' Complaint in the Superior Court of New Jersey, Law Division, Essex County, asserts damages of a non-specified amount. Plaintiffs allegedly sustained injuries as a result of an incident in which Mary Carswell was caused to fall within the parking lot of the Union New Jersey Costco warehouse. As such, Defendant Costco Wholesale Corporation believes the amount in controversy exceeds \$75,000, exclusive of interest and costs.

5. Costco Wholesale Corporation is informed and believes that Plaintiffs are an individual citizen of the State of New Jersey.

6. Defendant/petitioner, Costco Wholesale Corporation, is a Washington corporation and its principal place of business is 999 Lake Drive, Issaquah, Washington 98027.

7. Therefore, complete diversity exists among the parties.

8. Accordingly, this action is removable to this Court pursuant to 28 U.S.C. § 1441.

WHEREFORE, Petitioner, Costco Wholesale Corporation, Defendant in the action described herein, which is currently pending in the Superior Court of the State of New Jersey, Law Division, Essex County, Docket No. ESX-L-9563-21, prays that this action be removed therefrom to this Court.

WEINER LAW GROUP LLP
Attorney for Defendant, Costco Wholesale Corp.

Dated: January 13, 2022

BY: Lawrence Berkeley
LAWRENCE M. BERKELEY, ESQ.
(LMB-7706)

I certify that a true copy of the Summons and Complaint filed in the Superior Court of the State of New Jersey, County of Essex, is annexed hereto as Exhibit A. Annexed hereto as Exhibit B is a true and accurate copy of the Affidavit of Service.

WEINER LAW GROUP LLP
Attorney for Defendant, Costco Wholesale Corp.

Dated: January 13, 2022

BY: Lawrence Berkeley
LAWRENCE M. BERKELEY, ESQ.
(LMB-7706)